

SB3076



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3076

Introduced 2/19/2016, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

20 ILCS 3305/10

from Ch. 127, par. 1060

Amends the Illinois Emergency Management Agency Act. Authorizes the board of commissioners in a county having a population of more than 500,000 people to establish police powers within its Office or Department of Homeland Security and Emergency Management and to define and prescribe certain employees hired in that Office or Department with peace officers' duties and compensation. Establishes certain training and other requirements that a person must fulfill before he or she is appointed with police powers. Provides that a person with police powers shall have the power to investigate and mitigate threats of manmade disasters, protect the county's critical infrastructure, have access to law enforcement databases, protect the county's emergency assets and personnel that get deployed upon the request of local law enforcement agencies in emergency circumstances, protect county elected officials as requested, and observe and enforce local, county, and State ordinances and laws.

LRB099 19742 MGM 44140 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Emergency Management Agency Act is
5 amended by changing Section 10 as follows:

6 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

7 Sec. 10. Emergency Services and Disaster Agencies.

8 (a) Each political subdivision within this State shall be
9 within the jurisdiction of and served by the Illinois Emergency
10 Management Agency and by an emergency services and disaster
11 agency responsible for emergency management programs. A
12 township, if the township is in a county having a population of
13 more than 2,000,000, must have approval of the county
14 coordinator before establishment of a township emergency
15 services and disaster agency.

16 (b) Unless multiple county emergency services and disaster
17 agency consolidation is authorized by the Illinois Emergency
18 Management Agency with the consent of the respective counties,
19 each county shall maintain an emergency services and disaster
20 agency that has jurisdiction over and serves the entire county,
21 except as otherwise provided under this Act and except that in
22 any county with a population of over 3,000,000 containing a
23 municipality with a population of over 500,000 the jurisdiction

1 of the county agency shall not extend to the municipality when
2 the municipality has established its own agency.

3 (c) Each municipality with a population of over 500,000
4 shall maintain an emergency services and disaster agency which
5 has jurisdiction over and serves the entire municipality. A
6 municipality with a population less than 500,000 may establish,
7 by ordinance, an agency or department responsible for emergency
8 management within the municipality's corporate limits.

9 (d) The Governor shall determine which municipal
10 corporations, other than those specified in paragraph (c) of
11 this Section, need emergency services and disaster agencies of
12 their own and require that they be established and maintained.
13 The Governor shall make these determinations on the basis of
14 the municipality's disaster vulnerability and capability of
15 response related to population size and concentration. The
16 emergency services and disaster agency of a county or township,
17 shall not have a jurisdiction within a political subdivision
18 having its own emergency services and disaster agency, but
19 shall cooperate with the emergency services and disaster agency
20 of a city, village or incorporated town within their borders.
21 The Illinois Emergency Management Agency shall publish and
22 furnish a current list to the municipalities required to have
23 an emergency services and disaster agency under this
24 subsection.

25 (e) Each municipality that is not required to and does not
26 have an emergency services and disaster agency shall have a

1 liaison officer designated to facilitate the cooperation and
2 protection of that municipal corporation with the county
3 emergency services and disaster agency in which it is located
4 in the work of disaster mitigation, preparedness, response, and
5 recovery.

6 (f) The principal executive officer or his or her designee
7 of each political subdivision in the State shall annually
8 notify the Illinois Emergency Management Agency of the manner
9 in which the political subdivision is providing or securing
10 emergency management, identify the executive head of the agency
11 or the department from which the service is obtained, or the
12 liaison officer in accordance with paragraph (d) of this
13 Section and furnish additional information relating thereto as
14 the Illinois Emergency Management Agency requires.

15 (g) Each emergency services and disaster agency shall
16 prepare an emergency operations plan for its geographic
17 boundaries that complies with planning, review, and approval
18 standards promulgated by the Illinois Emergency Management
19 Agency. The Illinois Emergency Management Agency shall
20 determine which jurisdictions will be required to include
21 earthquake preparedness in their local emergency operations
22 plans.

23 (h) The emergency services and disaster agency shall
24 prepare and distribute to all appropriate officials in written
25 form a clear and complete statement of the emergency
26 responsibilities of all local departments and officials and of

1 the disaster chain of command.

2 (i) Each emergency services and disaster agency shall have
3 a Coordinator who shall be appointed by the principal executive
4 officer of the political subdivision in the same manner as are
5 the heads of regular governmental departments. If the political
6 subdivision is a county and the principal executive officer
7 appoints the sheriff as the Coordinator, the sheriff may, in
8 addition to his or her regular compensation, receive
9 compensation at the same level as provided in Section 3 of "An
10 Act in relation to the regulation of motor vehicle traffic and
11 the promotion of safety on public highways in counties",
12 approved August 9, 1951, as amended. The Coordinator shall have
13 direct responsibility for the organization, administration,
14 training, and operation of the emergency services and disaster
15 agency, subject to the direction and control of that principal
16 executive officer. Each emergency services and disaster agency
17 shall coordinate and may perform emergency management
18 functions within the territorial limits of the political
19 subdivision within which it is organized as are prescribed in
20 and by the State Emergency Operations Plan, and programs,
21 orders, rules and regulations as may be promulgated by the
22 Illinois Emergency Management Agency and by local ordinance
23 and, in addition, shall conduct such functions outside of those
24 territorial limits as may be required under mutual aid
25 agreements and compacts as are entered into under subparagraph
26 (5) of paragraph (c) of Section 6.

1 (j) In carrying out the provisions of this Act, each
2 political subdivision may enter into contracts and incur
3 obligations necessary to place it in a position effectively to
4 combat the disasters as are described in Section 4, to protect
5 the health and safety of persons, to protect property, and to
6 provide emergency assistance to victims of those disasters. If
7 a disaster occurs, each political subdivision may exercise the
8 powers vested under this Section in the light of the exigencies
9 of the disaster and, excepting mandatory constitutional
10 requirements, without regard to the procedures and formalities
11 normally prescribed by law pertaining to the performance of
12 public work, entering into contracts, the incurring of
13 obligations, the employment of temporary workers, the rental of
14 equipment, the purchase of supplies and materials, and the
15 appropriation, expenditure, and disposition of public funds
16 and property.

17 (k) Volunteers who, while engaged in a disaster, an
18 exercise, training related to the emergency operations plan of
19 the political subdivision, or a search-and-rescue team
20 response to an occurrence or threat of injury or loss of life
21 that is beyond local response capabilities, suffer disease,
22 injury or death, shall, for the purposes of benefits under the
23 Workers' Compensation Act or Workers' Occupational Diseases
24 Act only, be deemed to be employees of the State, if: (1) the
25 claimant is a duly qualified and enrolled (sworn in) as a
26 volunteer of the Illinois Emergency Management Agency or an

1 emergency services and disaster agency accredited by the
2 Illinois Emergency Management Agency, and (2) if: (i) the
3 claimant was participating in a disaster as defined in Section
4 of this Act, (ii) the exercise or training participated in
5 was specifically and expressly approved by the Illinois
6 Emergency Management Agency prior to the exercise or training,
7 or (iii) the search-and-rescue team response was to an
8 occurrence or threat of injury or loss of life that was beyond
9 local response capabilities and was specifically and expressly
10 approved by the Illinois Emergency Management Agency prior to
11 the search-and-rescue team response. The computation of
12 benefits payable under either of those Acts shall be based on
13 the income commensurate with comparable State employees doing
14 the same type work or income from the person's regular
15 employment, whichever is greater.

16 Volunteers who are working under the direction of an
17 emergency services and disaster agency accredited by the
18 Illinois Emergency Management Agency, pursuant to a plan
19 approved by the Illinois Emergency Management Agency (i) during
20 a disaster declared by the Governor under Section 7 of this
21 Act, or (ii) in circumstances otherwise expressly approved by
22 the Illinois Emergency Management Agency, shall be deemed
23 exclusively employees of the State for purposes of Section 8(d)
24 of the Court of Claims Act, provided that the Illinois
25 Emergency Management Agency may, in coordination with the
26 emergency services and disaster agency, audit implementation

1 for compliance with the plan.

2 (1) If any person who is entitled to receive benefits
3 through the application of this Section receives, in connection
4 with the disease, injury or death giving rise to such
5 entitlement, benefits under an Act of Congress or federal
6 program, benefits payable under this Section shall be reduced
7 to the extent of the benefits received under that other Act or
8 program.

9 (m) (1) Prior to conducting an exercise, the principal
10 executive officer of a political subdivision or his or her
11 designee shall provide area media with written
12 notification of the exercise. The notification shall
13 indicate that information relating to the exercise shall
14 not be released to the public until the commencement of the
15 exercise. The notification shall also contain a request
16 that the notice be so posted to ensure that all relevant
17 media personnel are advised of the exercise before it
18 begins.

19 (2) During the conduct of an exercise, all messages,
20 two-way radio communications, briefings, status reports,
21 news releases, and other oral or written communications
22 shall begin and end with the following statement: "This is
23 an exercise message".

24 (n) The board of commissioners in a county having a
25 population of more than 500,000 people may establish police
26 powers within its Office or Department of Homeland Security and

1 Emergency Management and may define and prescribe certain
2 employees hired in that Office or Department with peace
3 officers' duties and compensation. Every employee in that
4 Office or Department appointed or hired may be vested with
5 police powers and is hereby authorized to act as a conservator
6 of the peace within that county and shall have the power to
7 investigate and mitigate threats of manmade disasters, protect
8 the county's critical infrastructure, have access to law
9 enforcement databases, protect the county's emergency assets
10 and personnel that get deployed upon the request of local law
11 enforcement agencies in emergency circumstances, protect
12 county elected officials as requested, and observe and enforce
13 local, county, and State ordinances and laws, such as are
14 conferred upon and exercised by the police of organized cities
15 and villages, but such employees with such police powers, when
16 acting within the limits of any municipality. No person
17 employed in such Office or Department of Homeland Security and
18 Emergency Management shall have peace officer status or
19 exercise police powers, unless he or she has successfully
20 completed the basic police training course mandated and
21 approved by the Illinois Law Enforcement Training Standards
22 Board or the Board waives the training requirement by reason of
23 the investigator's prior law enforcement experience or having
24 already completed the basic police training course in
25 compliance with the Board. Before a person is appointed with
26 such police powers, his or her fingerprints shall be taken and

1 transmitted to the Department of State Police. The Department
2 of State Police shall examine its records and submit to the
3 Office or Department of Homeland Security and Emergency
4 Management any conviction information on file with the
5 Department of State Police. No person shall be appointed with
6 such police powers if he or she has been convicted of a felony
7 or any other offenses concerning moral turpitude.

8 The county board may establish any other reasonable
9 eligibility requirements for authorizing employees of the
10 Office or Department of Homeland Security and Emergency
11 Management with such police powers; however, no person may be
12 appointed under this Section unless that person is at least 21
13 years of age. Employees with police powers under this Section
14 shall be paid a salary and be reimbursed for actual expenses
15 incurred in the course of his or her duties. The county board
16 shall approve the salary and actual expenses and appropriate
17 the salary and expenses in a manner prescribed by law or
18 ordinance.

19 (Source: P.A. 94-733, eff. 4-27-06.)